

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 27TH DAY OF MAY 2008, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	Doug Marrs	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Steve Sandy	-Planning Director
	Ruth L. Richey	-Public Information Officer
	Dari Jenkins	-Zoning Administrator
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	John A. Muffo	-Supervisor

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Montgomery County Government Center

- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Boundary Adjustment – Town of Blacksburg
2. Norfolk Southern Intermodal Facility

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Community College Board
2. Library Board
3. Parks and Recreation Commission
4. Social Services Board

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
William H. Brown		
Doug Mars		
Mary W. Biggs		
James D. Politis		
Annette S. Perkins		

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	John A. Muffo
Doug Mars		
Mary W. Biggs		
James D. Politis		
Gary D. Creed		
Annette S. Perkins		

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

William H. Brown
Doug Mars
Mary W. Biggs
James D. Politis
Gary D. Creed
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

John A. Muffo

ABSENT DURING MEETING

John A. Muffo

INVOCATION

A Moment of Silence was lead by Annette S. Perkins

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

Rezoning Request – Kelly L. Burdette (Agent: Balzer & Associates, Inc.)

An Ordinance requested by Kelly L. Burdette (Agent: Balzer & Associates, Inc.) rezoning approximately 1.992 acres of 6.50 acre tract(s) from Agriculture (A-1) to General Business (GB) with a maximum floor area ratio of 0.40 and possible proffered conditions, to allow a medical office facility. The property is located at 929 Hightop Road, identified as Tax Parcel No(s). 67-A-48, 67-A-49, (Acct Nos. 005757, 005760), in the Prices Fork Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan.

Dari Jenkins, Zoning Administrator, provided a brief summary of the request. The applicant is requesting to rezone 1.992 acres of a 6.50 acre tract for a medical office facility. This parcel is located on Hightop Road near Davis Street where medical facilities have already been constructed or are in the development stage. The proposed medical office will complement the existing medical facilities in the area. Properties to the east are in the Town of Blacksburg limits and are zoned “O-Office”. The property is designated Urban Expansion in the County’s Comprehensive Plan and is a preferred location for this type of development.

The Planning Commission received comments from two neighbors who expressed significant concerns about the stormwater problems which appear to be related to a pond installed on the subject property and an adjacent off-site development along Davis Street in the Town of Blacksburg.

At their May 21, 2008 meeting, the Planning Commission recommended approval of the request. The Planning Commission discussed the request at length and considered the concerns regarding the stormwater problems. One of the proffers will be that the stormwater management will be proposed on the west side of the property in accordance with all State and Local stormwater management standards and shall be reviewed by Montgomery County and the Town of Blacksburg.

Steve Semones, Balzer & Associates, agent for the applicant, addressed the Board regarding the request. He stated that the applicant is proposing a medical office for rehabilitation for sports injuries. Mr. Semones also explained the layout of the facility and parking. He addressed concerns with the stormwater issues and flood control. An existing pond floods during heavy rains and the overflow runs along the adjacent property owners driveway towards the stormwater pipes. They are proposing to redesign the pond for stormwater management, which includes expanding the width and depth of the pond.

Margret Early spoke in opposition to the rezoning. Ms. Early stated she is not against progress however the proposed plans will not fix the flooding problems. She stated that the flooding started when the development occurred along Davis Street. The stormwater runs down the site into the pond, which cannot handle the amount of runoff. It overflows and floods her driveway and floods Hightop Road. She also indicated the stormwater drainage pipe under Hightop Road is not large enough to handle the stormwater runoff.

Nancy Thompson spoke in opposition to the rezoning. Ms. Thompson stated her property joins the Burdette property. The flooding on her property and Ms. Early's property has occurred due to the development along Davis Street and is concerned it will get worse if more buildings are constructed. She also expressed concern with the use of the existing road as an exit to Hightop Road.

Steve Semones responded to Ms. Early and Ms. Thompson's concerns of stormwater and ingress/egress from the site. He indicated that the only exit from the proposed medical facility is on Davis Street. The plat shows a future road if needed but there are no plans to do so presently. Also, they are planning to improve the stormwater runoff by redesigning the pond to handle the current and future runoffs. The applicant is willing to expand the pond beyond state standards and will install larger drainage pipes as needed.

The Board of Supervisors expressed concerns with the existing flooding on Ms. Thompson's and Ms. Early's property. They asked staff to check with the Town of Blacksburg on the number of developments on Davis Street that may be effecting the stormwater problem. How is the stormwater management being monitored on the past and recent developments along Davis Street? The Board expressed concern that the stormwater measures are not adequate or not functioning properly along Davis Street.

There being no further speakers, the public hearing was closed.

PUBLIC ADDRESS

There being no speakers, the public address session was closed.

DELEGATION

American Electric Power – Falling Branch-Merrimac 138 kv Transmission Line Project

Todd Burns, Corporate Communications Manager with American Electric Power, made a presentation on the proposed Falling Branch-Merrimac 138 kv Transmission Line Project. He introduced Shawn Smith, Project Manager, and Tom Rotenberry, Right-of-Way/Project Management Consultant with AEP.

Appalachian Power has identified a need to connect three existing electric substations in as part of an upgrade in the electric system that serves customers in Montgomery County, the Town of Blacksburg, and the Town of Christiansburg. The Falling Branch-Merrimac Transmission Reinforcement Project involves the construction of approximately eight miles of 138 kilovolt

(kV) transmission line at a cost of \$15 million. The new power line will tie together three existing electric substations and establish a looped 138 kV system, which will help prevent overloads and reduce the likelihood of interrupting electric service to the region. With a looped system in place the outages can be isolated when they occur and alternate paths will keep customers' service intact. The need for an upgrade is due to the growth in the County and the demand for electricity. The peak electricity demand in the area has increased from 207 megawatts (mw) in 2003 to 250 mw in 2008 and continues to grow. The last major upgrade was in the early 1990's.

Mr. Burns explained that several potential routes have been identified, but public comment and participation is needed to identify the best route. A public meeting is scheduled for June 5, 2008 at the Christiansburg High School for public comment. All suggestions and comments will be considered in identifying the best route. The project will be reviewed by the State Corporation Commission.

The proposal and proposed routes can be found on AEP's website with copies of maps outlining the routes.

The County Administrator commented that the County's Planning Commission has started a review of the plan and proposed routes to identify what routes may cross any conservation areas, public trails, etc. A full report will be provided to the Board.

CONSENT AGENDA

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated May 27, 2008 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
James D. Politis		
Gary D. Creed		
William H. Brown		
Doug Marrs		
Annette S. Perkins		

Approval of Minutes

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously, the Minutes dated March 27, 2008 and April 7, 2008 were approved.

A-FY-08-103
RESOLUTION APPROPRIATING FY 06-07
VDOT REVENUE SHARING FUNDS

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

100	Board of Supervisors	\$250,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451205 Designated Fund Balance	
– Road Maintenance Reserve	\$250,000

Said resolution appropriates the County's FY 2006-2007 and FY 2007-2008 VDOT Revenue Sharing funds.

A-FY-08-104
OLD BLACKSBURG MIDDLE SCHOOL
COUNTY'S SHARE FOR DESIGN COMPETITION

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

100	Board of Supervisors	\$75,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451203 Undesignated Fund Balance	\$75,000

Said resolution appropriates the County's share of costs for the Old Blacksburg Middle School design competition and funds remaining at year-end should be re-appropriated to complete the project in FY 09.

A-FY-08-105
JUVENILE AND DOMESTIC
RELATIONS COURT

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

230	Juvenile and Domestic Relations Court	\$5,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451203	Undesignated Fund Balance
	\$5,000

Said resolution appropriates fund balance to cover expenses for the Juvenile and Domestic Relations Court Clerk through year end.

A-FY-08-106
FIRE AND RESCUE
SUPPLEMENTAL APPROPRIATION

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008 for the function and in the amount as follows:

330	Fire and Rescue	\$16,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451203	Undesignated Fund Balance
	\$16,000

Said resolution appropriates fund balance to cover the cost of insurance and retirement for the fire and rescue volunteers.

A-FY-08-107
SCHOOL OPERATING FUND
SUPPLEMENTAL APPROPRIATION

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

610000 Instruction	\$ 87,645
650000 Non-instruction	<u>37,899</u>
Total	\$125,544

The sources of funds for the foregoing appropriation are as follows:

<u>Revenue Account:</u>	
Special Ed Preschool Mini Grant	\$ 54,442
Detention Home Reading	33,203
GLE Before/After School	<u>37,899</u>
Total	\$125,544

Said resolution appropriates additional funds for the School Operating Fund.

R-FY-08-172
ADDITION TO THE SECONDARY
SYSTEM OF STATE HIGHWAYS
BROCKTON STREET EXTENSION (SR 1283)

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The street described below is shown on a plat in the Clerk's Office of the Circuit Court of Montgomery County; and

WHEREAS, The representative for the Virginia Department of Transportation has advised the Montgomery County Board of Supervisors that the street meets the requirement established by the Virginia Department of Transportation's Subdivision Street Requirements.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia requests the Virginia Department of Transportation to add the following street to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia and the Department's Subdivision Street Requirements, after receiving a copy of this resolution and all outstanding fees and documents required of the developer:

ADDITION:

Cedar Orchard Subdivision Phase 4-B

<u>Name of Street:</u>	<u>Length</u>
Brockton Street extension (SR 1283)	
From: Leisure Lane (SR 1284)	0. 41 mi
To: Pleasant View Circle (SR 1284)	
Plat Recorded: November 15, 2007	
Plat Book: 27, Pages 353-354	
Right of Way Width: 50 feet	

BE IT FURTHER RESOLVED, The Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills, and drainage.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

R-FY-08-173
OFFICE ON YOUTH ADVISORY BOARD
APPOINTMENT

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Elaine Cieluch** to the Office on Youth Advisory Board effective May 27, 2008 and expiring May 26, 2011.

R-FY-08-174
OFFICE ON YOUTH ADVISORY BOARD
APPOINTMENT

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Debbie Dove** to the Office on Youth Advisory Board effective May 27, 2008 and expiring May 26, 2011.

R-FY-08-175
VIRGINIA'S FIRST REGIONAL
INDUSTRIAL FACILITY AUTHORITY
APPOINTMENT

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Mary W. Biggs** to the Board of Directors of Virginia's First Regional Industrial Facility Authority for a term of four years effective July 1, 2008 and expiring June 30, 2012.

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

BE IT FURTHER RESOLVED, That **Bob Isner** is reappointed to serve as alternate for **Mary W. Biggs** for a term of four years effective July 1, 2008 and expiring June 30, 2012.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

R-FY-08-176
VIRGINIA'S FIRST REGIONAL
INDUSTRIAL FACILITY AUTHORITY
APPOINTMENT - ALTERNATE

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Carol Edmonds** to serve as alternate for B. Clayton Goodman, III on Virginia's First Regional Industrial Facility Authority effective July 1, 2008 and expiring June 30, 2010.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

Said appointment fills the unexpired term of Brian Hamilton, resigned.

NEW BUSINESS

HS TEJAS REQUEST

Supervisor Creed made a motion, seconded by Supervisor Politis to approve the request by HS Tejas to subdivide their property, using Reese Mountain Road, a private road, for access to the public street. Board members discussed this request before voting.

Supervisor Biggs asked if this development is in connection to the Reese Rezoning Request, the Ridges expansion, and if it will also affect the ground water. Supervisor Creed replied that the HS Tejas development is on a different mountain range than the Ridges Subdivision and there is no connection.

John Neel, Gay and Neel, Inc., responded that there is a valley separating the two properties and they should not affect each other. He also noted that the minimum lot size for HS Tejas is 20 acres and for the Reese Rezoning the minimum lot size is 1.5 acres. In HS Tejas there will not be a grouping of wells together and therefore no potential for any problems.

Supervisor Biggs questioned proffer #6 which states "HS Tejas, LTD shall provide all purchasers of the Property with a copy of the "Notice to All Potential Purchasers" prior to closing." She suggested that the Notice be shown as part of the resolution and that the word "terrain" be shown in bold in Section 3 of the Notice. She wants to make it clear for potential home owners that the terrain is such that any Emergency Personnel will have difficulty in reaching the top of the mountain in a timely fashion. They may see that they are only 3 miles from the nearest fire station but it may take 20 minutes to get to there due to the terrain.

Mr. Neel indicated from a legal stand they did not want to put in a specific response time that may lead to potential lawsuits. He believes the wording is such that it will bring this to potential homeowners attention.

Supervisor Creed also pointed out the developer did proffer a helicopter landing for emergency situations or evacuations.

Supervisor Perkins commented that it should be obvious to any potential buyer when traveling Reese Mountain Road that they may be only be 3 miles from the nearest fire station but with the terrain such as it is it may take 15- 20 minutes to respond.

Supervisor Creed amended his motion to include that the "Notice to All Potential Purchasers" prior to closing." be made part of the resolution and the word "terrain" be bolded in Section 3 of the Notice. Supervisor Politis seconded the amended motion.

R-FY-08-177
RESOLUTION APPROVING USE OF PRIVATE STREET
FOR THE HS TEJAS SUBDIVISION
SUBJECT TO CERTAIN CONDITIONS

On an amended motion by Gary D. Creed, seconded by James D. Politis and carried unanimously,

WHEREAS, HS Tejas, LTD., is the owner of certain land lying and being in the County of Montgomery designated as Parcel # 002853, and Tax Map Parcel 33-(A)-6 on the Tax Maps of Montgomery County, Virginia ("Property"); and

WHEREAS, HS Tejas, Ltd. has requested the Board of Supervisors for permission to subdivide their Property using Reese Mountain Road, a private street, for access to the public street as provided for in Section 8-152 of the Montgomery County Subdivision Ordinance.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia approves of HS Tejas, Ltd., subdividing their Property using Reese Mountain Road, a private street, to provide access to the public street subject to the proposed subdivision meeting the requirements of the Montgomery County subdivision ordinance and following additional conditions imposed in order to promote the efficient utilization of the Property:

1. A second ingress and egress for the Property for emergency access shall be shown on the subdivision plat and maintained by the property owners from Reese Mountain Road through to Gray Fox Lane in Roanoke County.
2. The private Reese Mountain Road shall be maintained by all the property owners in the subdivision pursuant to a Road Maintenance Agreement. Through covenants and deed restrictions each property owner within the subdivision shall be required to participate in the cost of maintaining private Reese Mountain Road or its successor road. The Road Maintenance Agreement shall be reviewed and approved by the County Attorney prior to approval of the first subdivision plat submitted for County approval for the Property.
3. The subdivision using private Reese Mountain Road shall have a minimum lot size of 20 acres or greater with no more that 45 lots total for the entire Property and a length of street per lot ratio of one hundred fifty (150) feet per lot or greater. The private Reese Mountain Road shall have a maximum grade of eighteen (18) percent and a minimum width of all weather surface or pavement of eighteen (18) feet. All necessary road improvements shall be completed prior to approval of the first subdivision plat submitted for County approval for the Property.
4. A helicopter landing area for emergency evacuations shall be shown on the subdivision plat and constructed on the Property. The landing area shall be designed and approved by the Lifeguard 10 service. The landing area shall be constructed prior to approval of the first subdivision plat submitted for County approval for the Property and shall be maintained by the Homeowner's Association.

5. Within the covenants and deed restrictions for the subdivision a provision shall be included limiting the clearing of trees to a maximum area of seventy-five (75) feet around each home site with the exception of any clearing needed for the installation of drainfields and driveways which shall be limited to a maximum of fifteen (15) feet beyond the edge of the drainfield site or driveway.

6. HS Tejas, LTD shall provide all purchasers of the Property with a copy of the "Notice to All Potential Purchasers" prior to closing, as shown on the attachment and with the word "terrain" shown in bold in Section 3.

7. All lots shall have approved drainfield locations prior to approval of final subdivision plat.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
William H. Brown		
Doug Marrs		
Mary W. Biggs		
Gary D. Creed		
Annette S. Perkins		

ATTACHMENT "NOTICE TO ALL POTENTIAL PURCHASERS"

WHEREAS:

Mr./Mrs./Ms. _____,
(hereinafter referred to as "PURCHASER") has expressed a desire to purchase a portion or portions of certain lands owned by H.S. TEJAS, Ltd. (hereinafter referred to as "SELLER"), said lands lying and being in both Montgomery and Roanoke Counties, Virginia and designated as Tax Parcel 33-(A)-6 on the Tax Maps of Montgomery County and as Tax Parcel 053.00-01-07.00-000 on the Tax Maps of Roanoke County, and

WHEREAS:

SELLER expressly desires that there be no current or future misunderstandings concerning certain characteristics of the property being offered for sale and certain external factors which may influence the decision being made by PURCHASER to further pursue the purchase of any portion or portions of the SELLER'S lands and that all parties involved are aware of those certain characteristics and factors.

THEREFORE:

By this notice SELLER hereby discloses and makes known to the PURCHASER the following information concerning the lands being offered for sale:

1. Reese Mountain Road, which provides access to and from public, state maintained, roadways and directly serves the property being offered, is not publicly maintained and per the requirements of the Ordinances of Montgomery County, at no time in the future shall any owners or future owners of the lands being offered for sale by the SELLER request or petition Montgomery County or the Commonwealth of Virginia to accept Reese Mountain Road into the Commonwealth system of public roads or provide funding for the maintenance and upkeep of said road. Also, per Montgomery County requirements, PURCHASER and subsequent owners of any portion of the lands sold by the SELLER and served by Reese Mountain Road will be subject to and bound by the terms of a Road Maintenance Agreement for Reese Mountain Road.
2. The portion of the lands of the SELLER being offered for sale are not currently served by water service nor public sanitary sewerage systems. PURCHASER shall be responsible for all costs and actions required to provide approved private water service and on-site sanitary waste disposal systems to the property conveyed to PURCHASER by SELLER, including all fees and permit costs required for approval of said systems by the Virginia Department of Health.
3. The property being offered for sale by the SELLER lies at a minimum distance of approximately 3 miles, as measured along the roadways that would be used, from the nearest Fire and Rescue Station, situated in Elliston. As such, response times to fire and medical emergencies will reflect the distance and **terrain** between said Fire and Rescue Station and the property being considered for purchase by the PURCHASER.
4. No more than one dwelling or residence shall be constructed on any property conveyed by the SELLER to the PURCHASER
5. No dwelling or residence shall be constructed on lands conveyed to the PURCHASER closer than 50' (fifty feet) from any side lot line dividing portions of the lands of the SELLER from the property conveyed to the PURCHASER, adjoining or remaining lands of the SELLER, lands conveyed by the SELLER to others or properties of other adjoining lands of the SELLER or the land conveyed by the SELLER to the PURCHASER. No dwelling or residence shall be constructed closer than 100' (one-hundred feet) from any other dwelling or residence. These restrictions apply to any dwelling or residential structure constructed either for permanent or occasional temporary or recreational use.
6. No trees may be cut down or otherwise removed lying at a distance greater than 75' (seventy-five feet) from any residence or dwelling constructed on the lands conveyed to the PURCHASER by the SELLER, other than those necessary for the construction of the

dwelling or residence, the construction and maintenance of an approved on-site sanitary waste disposal system, and a private driveway to serve said residence or dwelling. The removal or cutting of any other trees is prohibited without the express written consent of the Homeowners Association.

7. Other Covenants and Restrictions may apply and the property being conveyed to the PURCHASER by the SELLER may also be subject to easements or encumbrances both within and without the public record.

By their signature affixed below, PURCHASER hereby acknowledges receipt of this document and the information contained herein.

By: _____ (PURCHASER)

Date: _____

R-FY-08-178
RESOLUTION AGREEING TO PARTICIPATE IN
A PILOT PROGRAM - SHERIFF INMATE WORK CREW
AND AN APPROPRIATION FOR START UP COSTS ASSOCIATED
WITH THE PROGRAM

On a motion by Doug Marrs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Montgomery County Sheriff's Office instituted a program in August 2007 using inmate work crews to remove litter from certain roads within the County under a contract with Infrastructure Corporation of America; and

WHEREAS, State law allows the Sheriff to use certain inmates to work on public property or property owned by a non-profit organization that is exempt from taxation; and

WHEREAS, The Sheriff is offering the same program to the County as a means of removing litter from selected problem areas that are not under contract with Infrastructure Corporation of America; and

WHEREAS, At the May 12, 2008 Board of Supervisors meeting, the Sheriff presented information about the existing program.

NOW THEREFORE BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby agrees to participate in a pilot program with the Sheriff's Office using the inmate work crews to remove litter from selected area within the County.

FURTHER, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund is granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008 for the function and in the amount as follows:

100	Board of Supervisors	\$15,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451203 Undesignated Fund Balance	\$15,000

It is the intent of the Board of Supervisors that funds remaining at year-end be re-appropriated for use in FY 09.

FURTHER, BE IT RESOLVED, That the County Administrator is authorized to sign a memorandum of agreement with the Sheriff for this Pilot Project for Litter Clean-Up.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	John A. Muffo
Doug Marrs		
Mary W. Biggs		
Gary D. Creed		
James D. Politis		
Annette S. Perkins		

BOARD MEMBERS' REPORTS

Supervisor Biggs submitted information from the School Board and Library Board meetings to be included in the County Administrator's Weekly Report.

Supervisor Biggs attended the 4th Annual Police Officer's Memorial Ceremony held on May 16, 2008. This was a moving event that honored those officers who lost their lives during 2007 and remembered the fallen officers from Montgomery County. Officer Terry Griffith, Officer Scott Hylton, Corporal Eric Suthpin, and Security Guard Derrick McFarland were remembered.

Supervisors Politis attended the grand opening of the Christiansburg Rescue Squad Satellite Station – Riner Station. He thanked Captain Kelly Walters, CRS, and Neal Turner, County Emergency Services Coordinator, for coordinating the grand opening event. He thanked the Board of Supervisors for their support and everyone who made this station a reality.

Supervisor Perkins reported she attended the VACo's Resolutions Committee meeting held in Richmond on May 16, 2008. They received a briefing from VACo's Legislative Team about the 2008 legislative session and special session; a briefing about VACo's regional spring meetings; and identified key policy and legislative items for consideration by the VACo Steering Committees during their upcoming meetings in August and November.

Supervisors Perkins requested that staff provide the Board of Supervisors a calendar of upcoming events, meetings, etc.

ADJOURNMENT

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously, the Board adjourned to Monday, June 9, 2008 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	John A. Muffo
Doug Marrs		
Mary W. Biggs		
Gary D. Creed		
James D. Politis		
Annette S. Perkins		

The meeting adjourned at 8:45 p.m.

APPROVED: _____	ATTESTED: _____
Annette S. Perkins	B. Clayton Goodman, III
Chair	County Administrator